

<b>GABRIEL DURAN</b>	)	
Claimant	)	
VS.	)	
	)	
<b>GOODYEAR TIRE AND RUBBER COMPANY</b>	)	Docket No. 253,770
Respondent	)	
AND	)	
	)	
<b>LIBERTY/HELMSMAN MGMT. SERVICES</b>	)	
Insurance Carrier	)	

Respondent and its insurance carrier challenge the manner in which the Judge computed claimant's award. They argue the Judge erred by ordering payment of permanent partial general disability benefits for the same weeks that they were ordered to

pay temporary total disability benefits. Accordingly, they request the Board to correct that language in the Award.

In his brief to the Board, claimant does not object to the respondent and its insurance carrier's request. Moreover, claimant requests the Board to modify the Award as requested.

As the parties agree that permanent partial general disability benefits are not due for those weeks that claimant was temporarily and totally disabled, there is no legal or factual issue for the Board to decide. Accordingly, the Board will modify the Award language as agreed.

For future reference, the parties are reminded that they may submit agreed orders when they are able to resolve their differences.

### **AWARD**

**WHEREFORE**, the Board modifies the March 7, 2003 Award, as follows:

Gabriel Duran is granted compensation from Goodyear Tire and Rubber Company and its insurance carrier for a February 10, 2000 accident and resulting disability. Based upon an average weekly wage of \$981.64, Mr. Duran is entitled to receive 64 weeks of temporary total disability benefits at \$383 per week, or \$24,512, followed by 197.10 weeks of permanent partial general disability benefits at \$383 per week, or \$75,488, for an 84.5 percent permanent partial general disability and a total award not to exceed \$100,000.

As of June 18, 2003, Mr. Duran is entitled to receive 64 weeks of temporary total disability compensation at \$383 per week in the sum of \$24,512, plus 110.86 weeks of permanent partial general disability compensation at \$383 per week in the sum of \$42,459.38, for a total due and owing of \$66,971.38, which is ordered paid in one lump sum less any amounts previously paid. Thereafter, the remaining balance of \$33,028.62 shall be paid at \$383 per week until paid or until further order of the Director.

The Board adopts the remaining orders set forth in the Award that are not inconsistent with the above.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of June 2003.

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BOARD MEMBER

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BOARD MEMBER

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BOARD MEMBER

c:     George H. Pearson, Attorney for Claimant  
       John A. Bausch, Attorney for Respondent and its Insurance Carrier  
       Brad E. Avery, Administrative Law Judge  
       Paula S. Greathouse, Workers Compensation Director